

Appl. No. 09/912,784
Amdt. dated August 31, 2005
Reply to final Office action of June 2, 2005

REMARKS/ARGUMENTS

Applicants have received the final Office action dated June 2, 2005, in which the Examiner: 1) allowed claims 22, 23, 34, 38 and 48 if rewritten into independent form; 2) rejected claims 17, 21, 24-30, 32, 36, 37, 40, 43-47, 49, 50 and 52 as allegedly anticipated by Thakker (U.S. Pat. No. 6,487,425); and 3) rejected claims 18-20, 31, 33, 39, 41, 42 and 51 as allegedly unpatentable over Thakker in view of 'Official Notice.'

With this Response, Applicants amend claims 17, 22, 32, 34, 36, 38 and 48, and presents new claims 53-55. Reconsideration is respectfully requested.

I. EFFECTIVELY ALLOWED CLAIMS

The Office action dated June 2, 2005 indicates that claims 22-23, 34, 38 and 48 would be allowable if rewritten into independent form (including all limitations of the base claims and intervening claims), and if the Section 112 rejections of the Office action were overcome. The Office action dated June 2, 2005, does not appear to contain any Section 112 rejections, much less with respect to claims 22-23, 34, 38 and 48. Applicants have, however, rewritten claims 22, 34, 38 and 48 into independent form. Thus, claims 22-23, 34, 38 and 48 should be in a condition for allowance.

II. CLAIM REJECTIONS

A. Claim 17

Claim 17 stands rejected as allegedly obvious over Thakker. Applicants amend claim 17 to remove limitations not needed to define over the cited art.

Claim 17 specifically recites, "wherein the radio module scans for available wireless access points, and indicates the availability of a wireless access point, **both while the computer system is powered-off.**" The position of the Office action is that indicating availability in Thakker is inherent based on the user receiving a phone call; however, to receive a phone call Thakker's system apparently brings the mobile phone back to full power operation. Thus, Thakker does not teach "scan[ing] for available wireless access points, and indicat[ing] the

Appl. No. 09/912,784
Amdt. dated August 31, 2005
Reply to final Office action of June 2, 2005

availability of a wireless access point, **both while the computer system is powered-off,**" and in fact teaches away from such a system.

Based on the foregoing, Applicants respectfully submit that claim 17, and all claims which depend from claim 17 (claims 18-21, 24-25 and 53), should be allowed.

B. Claim 53

Claim 53, specifically recites, "wherein the radio module indicates the **unavailability** of a wireless access point while the computer system is powered-off." With regard to indicating availability, the Office action dated June 2, 2005 takes the position that indicating availability is inherently taught by Thakker, because if the user of Thakker's mobile phone gets a call, the access point must be available. (*Id.*). However, Applicants respectfully submit that Thakker does not inherently teach "indicat[ing] the **unavailability** of a wireless access point" Rhetorically, why would Thakker bring the mobile phone to full power operation in an area where no access point is available, and thus where no phone call could reach the mobile phone, to tell the user that no access is available?

Claim 53 is dependent from claim 17 and is allowable for at least the same reasons as claim 17, as well as for the additional limitations therein.

C. Claim 26

Claim 26 stands rejected as allegedly anticipated by Thakker.

The Office action dated June 2, 2005 takes the position that Thakker impliedly teaches giving an indication of availability of a wireless network by the user receiving a phone call. In particular, the office action states, "the access point must be available if the user is to get an incoming phone call from the caller in Thakker's invention, all phone call messages must travel through in the following manner, i.e., caller -> phone network -> access point -> receiver, thus if the receiver is to get a phone call from the caller, that means that the access point is also available." (Office action dated June 2, 2005, numbered paragraph 31). However, the mobile telephone network of Thakker switches the mobile telephone to normal, full power operating mode to receive the call by

Appl. No. 09/912,784
Amdt. dated August 31, 2005
Reply to final Office action of June 2, 2005

sending a power-on-page (POP) message to the mobile telephone. (Thakker, Col. 6, lines 19-23; lines 30-34).

Claim 26, by contrast, specifically recites, "indicating the availability of wireless access points **while the remaining portions of the computing device are powered-off.**" The position of the Office action is that indicating availability in Thakker is inherent based on the user receiving a phone call; however, to receive a phone call Thakker's system apparently brings the mobile phone back to full power operation. Thus, Thakker does not teach "indicating the availability of wireless access points **while the remaining portions of the computing device are powered-off,**" and in fact teaches away from such a system.

Based on the foregoing, Applicants respectfully submit that claim 26, and all claims which depend from claim 26 (claims 26-31), should be allowed.

D. Claim 32

Claim 32 stands rejected as allegedly anticipated by Thakker. Applicants amend claim 32 to be substantially the same as originally presented claim 32, and further to more clearly define over the Office action's implied indication of availability of a wireless network, alleging "the access point must be available if the user is to get an incoming phone call... ."

Claim 32, specifically recites, "a notification device coupled to the wireless communication module, **wherein the notification device indicates the unavailability of a wireless access point.**" The Office action dated June 2, 2005 takes the position that indicating availability is inherently taught by Thakker, because if the user of Thakker's mobile phone gets a call, the access point must be available. (Office action dated June 2, 2005, numbered paragraph 31). However, Applicants respectfully submit that Thakker does not inherently teach a "notification device indicates the unavailability of a wireless access point." Applicants respectfully submit that Thakker would not bring the mobile phone to full power operation in an area where no access point is available, and thus where no phone call could reach the mobile phone. Moreover, given that the POP messages bring the mobile phone to normal, full

Appl. No. 09/912,784
Amdt. dated August 31, 2005
Reply to final Office action of June 2, 2005

power operation to receive a phone call, Thakker teaches away from the claimed limitations.

Based on the foregoing, Applicants respectfully submit that claim 32, and claim 33 which depends from claim 32, should be allowed.

E. Claim 36

Claim 36 stands rejected as allegedly anticipated by Thakker. Applicants amend claim 36 to more clearly define over the Office action's implied indication of availability of a wireless network, alleging "the access point must be available if the user is to get an incoming phone call... ."

Claim 36, specifically recites, "a means for notification of the **unavailability** of a wireless access point coupled to the means for wireless communication." The Office action dated June 2, 2005 takes the position that indicating availability is inherently taught by Thakker, because if the user of Thakker's mobile phone gets a call, the access point must be available. (*Id.*). However, Applicants respectfully submit that Thakker does not inherently teach a "a means for notification of the unavailability of a wireless access point... ." Applicants respectfully submit that Thakker would not bring the mobile phone to full power operation in an area where no access point is available, and thus where no phone call could reach the mobile phone. Moreover, given that the POP messages bring the mobile phone to normal, full power operation to receive a phone call, Thakker teaches away from the claimed limitations.

Based on the foregoing, Applicants respectfully submit that claim 36, and all claims which depend from claim 36 (claims 37 and 39), should be allowed.

F. Claim 40

Claim 40 stands rejected as allegedly anticipated by Thakker.

Claim 40, specifically recites, "a wireless communication module coupled to the seek request button, and wherein the wireless communication module seeks for availability of a wireless connection **to the Internet for a computer**, the seeking responsive to assertion of the seek request button... ." Applicants respectfully submit that Thakker fails to teach or fairly suggest the limitations of claim 40. The description in Thakker, while using the term "mobile device," is

Appl. No. 09/912,784
Amdt. dated August 31, 2005
Reply to final Office action of June 2, 2005

only in the context of GSM or PCS telephone networks. (See Thakker Col. 2, lines 1-6). Thakker does not teach, suggest or even imply a device that "seeks for availability of a wireless connection to the Internet for a computer, the seeking responsive to assertion of the seek request button... ."

Based on the foregoing, Applicants respectfully submit that claim 40, and all claims which depend from claim 40 (claims 41-44), should be allowed.

G. Claim 45

Claim 45 stands rejected as allegedly anticipated by Thakker.

The Office action dated June 2, 2005 takes the position that Thakker impliedly teaches giving an indication of availability of a wireless network by the user receiving a phone call. In particular, the office action states, "the access point must be available if the user is to get an incoming phone call from the caller in Thakker's invention, all phone call messages must travel through in the following manner, i.e., caller -> phone network -> access point -> receiver, thus if the receiver is to get a phone call from the caller, that means that the access point is also available." (Office action dated June 2, 2005, numbered paragraph 31). However, the mobile telephone network of Thakker switches the mobile telephone to normal, full power operating mode to receive the call by sending a power-on-page (POP) message to the mobile telephone. (Thakker, Col. 6, lines 19-23; lines 30-34).

Claim 45, by contrast, specifically recites, "wherein the wireless communication module **informs the user of availability of wireless access while the mobile computing system is powered-off.**" The position of the Office action is that indicating availability in Thakker is inherent based on the user receiving a phone call; however, to receive a phone call Thakker's system apparently requires bring the mobile phone back to full power operation. Thus, Thakker does not teach "wherein the wireless communication module informs the user of availability of wireless access while the mobile computing system is powered-off," and in fact teaches away from such a system.

Based on the foregoing, Applicants respectfully submit that claim 45, and all claims which depend from claim 45 (claims 46 and 47), should be allowed.

Appl. No. 09/912,784
Amdt. dated August 31, 2005
Reply to final Office action of June 2, 2005

H. Claim 49

Claim 49 stands rejected as allegedly anticipated by Thakker.

The Office action dated June 2, 2005 takes the position that Thakker impliedly teaches giving an indication of availability of a wireless network by the user receiving a phone call. In particular, the office action states, "the access point must be available if the user is to get an incoming phone call from the caller in Thakker's invention, all phone call messages must travel through in the following manner, i.e., caller -> phone network -> access point -> receiver, thus if the receiver is to get a phone call from the caller, that means that the access point is also available." (Office action dated June 2, 2005, numbered paragraph 31). However, the mobile telephone network of Thakker switches the mobile telephone to normal, full power operating mode to receive the call by sending a power-on-page (POP) message to the mobile telephone. (Thakker, Col. 6, lines 19-23; lines 30-34).

Claim 49, by contrast, specifically recites, "informing the user of an outcome of the performing, **the informing while the mobile computing device is powered-off.**" The position of the Office action is that indicating availability in Thakker is inherent based on the user receiving a phone call; however, to receive a phone call Thakker's system apparently requires bring the mobile phone back to full power operation. Thus, Thakker does not teach "informing the user of an outcome of the performing, the informing while the mobile computing device is powered-off," and in fact teaches away from such a system.

Based on the foregoing, Applicants respectfully submit that claim 49, and all claims which depend from claim 49 (claims 50-52), should be allowed.

III. NEW CLAIMS

With this Response, Applicants present new claims 53-55. Applicants respectfully submit that the cited art does not teach or fairly suggest the limitations of these new claims.

IV. CONCLUSION

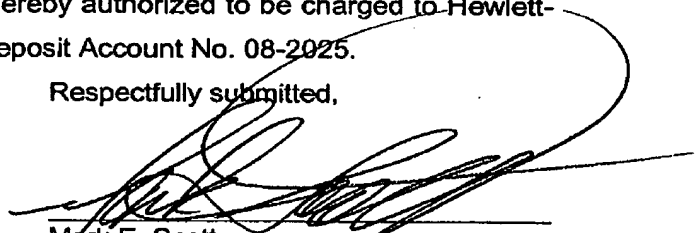
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a

Appl. No. 09/912,784
Amdt. dated August 31, 2005
Reply to final Office action of June 2, 2005

particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Mark E. Scott
PTO Reg. No. 43,100
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400